

Serial No. 10/527,915
Attorney Docket No. 2002P14859WOUSRECEIVED
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REMARKS

Claims 25, 31, 34, 35 and 39 have been amended. Claims 28, 29, and 33 have been canceled. Claims 25-27, 30-32, 34-37, and 39-46 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and following remarks.

Response to objections under Sections 112:

Applicants amended claims 31, 34, 35 and 39 to overcome the objections made by the Examiner. Applicants therefore respectfully request withdrawal of the objections to the claims 31, 34, 35 and 39.

Rejections under 35 U.S.C. §103

Claims 25-36, 40 and 42-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Birchenough et al. (US 6,615,091) in view of Lewis et al. (US 5,812,394).

Claims 37, 39, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Birchenough et al. (US 6,615,091) in view of Lewis et al. (US 5,812,394) and further view of Nixon et al. (US 2002/0077711).

Applicants Claim 25 recites:

wherein the process information data for the device for representing the acquired process information data for a user of the system and for the historian database are simultaneously acquired based upon a single application for the device for representing the acquired process information data and the historian database

However Birchenough teaches:

the modular high speed processing system 2, further shown configured to **simultaneously perform different multiple processes**, such as normal and experimental processing. (column 39, lines 41-44)

Therefore Birchenough teaches a simultaneous performance of different multiple processes. The simultaneous performance of different multiple processes relates to a simultaneous production:

Accordingly, the experimental processing advantageously allows for **simultaneous production** of differently processed items on the same processing system 2, without requiring shutting down the system to reconfigure the processing arrangement (column 40, lines 32-36).

and not to a simultaneously acquiring of data as claimed in Applicants invention.

Claim 25 further recites:

an independent client is embodied as a historian client having analyzing and statistical and graphical functionality for evaluating and representing the archived process information data.

In contrast Birchenough discloses in column 58, lines 52-63 a Human Machine Interface only with an incorporated trending software and not a statistical functionality.

Therefore Birchenough does not teach or suggest all the limitations of claim 25. Furthermore also the references Lewis et al. and Nixon et al. do not disclose or suggest all of the elements of independent claim 25 as arranged and operating in that claim.

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Dependent claims 26, 27, 30-32, 34-37, and 39-46 are patentable at least based on their dependency from independent claim 25. Therefore, withdrawal of the Section 103 rejection is respectfully requested.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present specification and claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to char any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

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Respectfully submitted,

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